

**REMARKS**

Claims 1-22 were originally filed in the present application.

Claims 1-11, 14-20 and 23 were pending in the present application.

Claims 1-11, 14-20 and 23 were rejected in the September 7, 2005 Office Action.

No claims have been allowed.

Claims 1, 6, 8, 9, 19 and 23 are amended herein.

Claims 5, 7, 12, 13, 20, 21, 22 are cancelled herein.

Claims 1-4, 6, 8-11, 14-19 and 23 remain in the present application.

Reconsideration of the claims is respectfully requested.

In the September 7, 2005 Office Action, the Examiner rejects Claims 1-6, 10, 11, 15-19 and 23 as unpatentable under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,436,886 to *McGill* ("the McGill reference") in view of U.S. Patent No. 6,075,767 to *Sakamoto et al.* ("the Sakamoto reference"). Applicants respectfully disagree.

The McGill reference discloses an ATM switch of dual switch plane operation for exchanging cells among a plurality of bidirectional ports through first and second switch planes. McGill reference, column 2, lines 50-54 and Abstract. In particular, the ATM switch includes two switch fabrics (SF0, SF1). *Id.* at column 3, lines 63-67 and Figure 1. Although the Examiner cites to several sections of the McGill reference for support, there is no teaching of a working and a protection circuitry being *functionally identical* and *synchronized to each other* as required by Claim 1. Rather, the McGill reference explicitly teaches, for example, that *asynchronous traffic* is sent over

one of the switch fabrics, while *synchronous traffic* is over both switch fabrics. *Id.* at column 4, lines 34-39. The McGill reference thus fails to disclose a working and protection circuitry being functionally identical and synchronized to each other. The Sakamoto reference, on the other hand, discloses an ATM handler that allows switchovers in a network wherein the line interface circuits are constructed in a multiplex configuration which guarantees that the user cells are correctly counted at system switchover. Sakamoto reference, column 4, line 66-column 5, line 6. Applicants assert that there is no disclosure or teaching within the Sakamoto reference of a synchronous optical network (SONET).

Accordingly, Applicants assert that the McGill reference, either alone or taken in combination with the Sakamoto reference, does not disclose or make obvious all the necessary elements required by amended Claims 1, 19 and 23. For example, neither the McGill reference or the Sakamoto reference, taken individually or in combination, teach or make obvious, for example, an apparatus providing equipment and facility redundancy wherein one of the first ATM channels and one of the second ATM channels includes a *SONET framer*, as required by amended Claim 1. Similarly, neither the McGill reference or the Sakamoto reference, taken individually or in combination, teach or make obvious, for example, a method providing equipment and facility redundancy for ATM circuitry which carries out ATM functions wherein the ATM functions include at least one of the multiplexing, *SONET framing*, routing, and user parameter control, as required by amended Claim 19. In addition, neither the McGill reference or the Sakamoto reference, taken individually or in combination, teach or make obvious, for example, a redundant

telecommunication switch wherein one of the first ATM channels and one of the second ATM channels includes *a SONET framer*, as required by amended Claim 23.

Accordingly, there is no motivation or suggestion within the McGill or Sakamoto references to prompt one of ordinary skill to selectively combine and *seek out* yet other necessary elements as required by amended Claims 1, 19 and 23. Claim 1, 19 and 23 are thus patentably distinguishable from the art cited. Claims 2-6, 10, 11 and 15-18 depend from allowable Claim 1 and are also allowable. Claim 5 has been cancelled herein. The rejection to Claim 5 is thus moot. Applicants therefore respectfully request favorable reconsideration and the withdrawal of the rejection to Claims 1-4, 6, 10, 11, 15-19 and 23.

In the September 7, 2005 Office Action, the Examiner rejects Claims 7-9, 14 and 20 as unpatentable under 35 U.S.C. §103(a) as being unpatentable over the McGill reference in view of the Sakamoto reference and U.S. Patent No. 5,715,237 to *Akiyoshi* (the “Akiyoshi reference”). Applicants respectfully disagree.

Claims 8, 9 and 14 depend from allowable Claim 1 and are thus also allowable for the reasons cited above. For example, neither the McGill reference, the Sakamoto reference or the Akiyoshi reference taken individually or in combination, teach or make obvious an apparatus providing equipment and facility redundancy wherein one of the first ATM channels and one of the second ATM channels includes *a SONET framer*, as required by amended Claim 1. Accordingly, there is no motivation or suggestion within the McGill, Sakamoto or Akiyoshi references to prompt one of ordinary skill to selectively combine and *seek out* yet other necessary elements as required by

amended Claim 1. Claim 1 is thus patentably distinguishable from the art cited. Claims 7 and 20 have been cancelled herein. The rejection to Claims 7 and 20 are thus moot. Applicants therefore respectfully request favorable reconsideration and the withdrawal of the rejection to Claims 8, 9 and 14.

**SUMMARY**

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

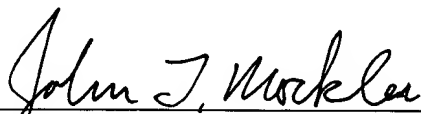
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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